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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,926	08/06/2003	Patrick Arand	964-031173	1056
28289	7590	09/21/2005	EXAMINER	
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			WEBB, TIFFANY LOUISE	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,926

Applicant(s)

ARAND, PATRICK

Examiner

Tiffany Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/6/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adjustable component of the mechanical connection as claimed in 5, 13, 14, and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 6, 7, 11, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada (US 4,230,343). Regarding claim 1, Takada discloses a vehicle passenger seat (3) having a seat belt (4) with a variable-length mechanical connection connected to a component located in front of the driver's seat and the safety belt (17, 18, and 19). Although conventional in the art, Takada fails to disclose the seat belt provided on the driver's seat. However, it would be obvious that the restraint system would be used for the driver's side of a vehicle and for the driver's seat so as to protect the driver as well. Further, Takada shows the restraint system on the right side of a vehicle (see Fig. 1), which in many countries is the passenger side, but the right side in some countries is the driver's side of the vehicle i.e. England. For claim 2, Takada discloses a mechanical connection including a cable (16). Regarding claims 4 and 11, Takada shows a retraction of the mechanical connection through a pulley system (17 and 19). Regarding claim 6, 16, and 18, Takada teaches a means to limit the retraction of the mechanical connection (hole by 17 and 8 in Figure 2). For claim 7, Takada also discloses that the variable-length mechanical connection exists on a vehicle (col. 1, line 38).

4. Claims 3, 10, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada (US 4,230,343) in view of Gray et al. (US 5,411,222).

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Takada is discussed above and fails to disclose a means for elastic tensioning of the mechanical connection. Gray et al. discloses a retraction device for winding and unwinding that includes a coil spring to provide elastic tensioning (col. 6, lines 12-17). Gray et al. teaches that this type of tensioning would be preferable to get a constant amount of tension. Takada and Gray et al. are analogous art because both mechanisms to be used with seat belts and for vehicular safety. It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide elastic tensioning in the system of Takada in view of Gray et al. in order to allow the mechanical connection to remain under tension and not interfere with the occupant or parts of the vehicle.

5. Claims 5, 13, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada (US 4,230,343) in view of Cunningham et al. (US 4,416,469). Takada is discussed above and fails to disclose a height adjustment at the fastening point of the mechanical connection in front of the driver's seat. Cunningham et al. discloses a movable point in the form of a slider or moveable anchorage point (72 in Figure 8). Cunningham et al. teaches that this would allow for more movement and to avoid obstruction with other devices in the vehicle. Takada and Cunningham et al. are analogous art because both are vehicular safety mechanisms used with seat belts. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have placed a height adjustment on the restraint device of Takada in view of Cunningham et al. in order to allow for the mechanical device height to be adjusted in order to avoid obstructing the driver or passenger's space in the vehicle.

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6. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takada (US 4,230,343) in view of Gray et al. (US 5,411,222) as applied to claims 3, 10, 12, and 17 above, and further in view of Cunningham et al. (US 4,416,469). Takada and Gray et al. are discussed above and fail to disclose a height adjustment at the fastening point of the mechanical connection in front of the driver's seat. Cunningham et al. discloses a movable point in the form of a slider or moveable anchorage point (72 in Figure 8).

Cunningham et al. teaches that this would allow for more movement and to avoid obstruction with other devices in the vehicle. Takada, Gray et al. and Cunningham et al. are analogous art because all are vehicular safety mechanisms used with seat belts. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have placed a height adjustment on the restraint device of Takada with the tensioning device of Gray et al. in view of Cunningham et al. in order to allow for the mechanical device height to be adjusted in order to avoid obstructing the driver or passenger's space in the vehicle.

7. Claims 8, 9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada (US 4,230,343) in view of Motz (US 3,742,448). Takada is discussed above and fails to disclose a means to detect whether the safety belt is closed and a signal line with a control system so the machine will not operate unless the safety belt is closed. Motz discloses a starter control circuit with a gate connected with a seat belt in-use switch (col. 1, lines 3-5). Motz teaches that this control circuit is to be used in conjunction with a switch in order to detect when the safety belt is closed and will not allow the vehicle to be operated if the circuit is not closed (col. 2, lines 6-8). Takada

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and Motz are analogous art because both are devices to be used for vehicular safety. It would have been obvious to a person having ordinary skill in the art at the time of the invention to place a detection means for the safety belt closure and an engine interlock on Takada in view of Motz in order to ensure that the passenger or operator of a vehicle uses the safety belt.

Conclusion

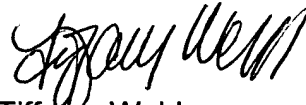
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are passive restraint devices that include mechanical connections: Matsuoka (US 4,124,224), Cunningham (US 4,416,468), Wimmer et al. (US 4,441,737), Mauron (US 4,213,637), and Winchell (US 3,743,319). The following is a engine interlocking device: Uota (US 3,902,074).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

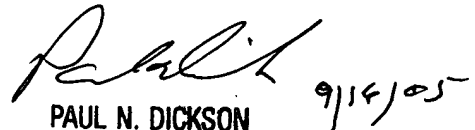
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany Webb
Examiner
Art Unit 3616

tlw



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